

Distance Education - One View

Non-Issues
and
Some Real Ones

Peter W. Martin

Non-Issue #1 - Distance

Law schools have been practicing “distance education” throughout my professional lifetime. I had received distance education and been a purveyor long before the Internet became an available venue.

Some Widespread Forms of Distance

- Distance between faculty and students
- Increasing distance between students and the classroom
 - “I don’t come to the law school on Thursday”
 - “I’ll be interviewing the next two weeks”

Non-Issue #2 - Electronic Course Delivery

Direct Examination: Evidence and Tactics



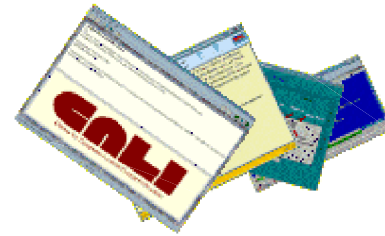
Non-Issue #2 - Cont'd



The CALI Lessons

The CALI Library in a nutshell

The CALI Library of Lessons is a collection of over one hundred interactive, computer-based lessons covering twenty seven legal education subject areas. The lessons are designed to augment traditional law school instruction and can be assigned as supplemental study material or integrated with other course materials. The descriptions contained in the catalog provide information about the specific legal issues presented in each exercise and offer suggestions for effective use.



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Non-Issue #3 - ABA Distance Education Guidelines

- They have little or no substantive content
- They don't speak to most of what law schools might do in the field of "distance learning"
- They explicitly authorize experimentation


Some Real Issues

- Regulatory standards that focus on inputs rather than outcomes
- An obsolete model for delivering educational services
- Organizations unable to organize for change

Regulatory Standards that Focus on Inputs Rather than Outcomes

- Student time in the classroom provides the unit for measuring and monitoring legal education - ABA Standards 301-304
- Little is said about what must take place in that envelope or be accomplished by the education process

Obsolete in Relation to What?




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Concord University

Faculty

Dear Law Student:

Over the past 35 years of teaching the law, I have devoted a considerable amount of attention to communicating legal principles and education through various media. This has included print, on which I have been fortunate to author or co-author various legal casebooks, textbooks, and other supplemental study aids, as well as create audiotapes, videotapes, television programs and the like. The focus of all of these projects has been to assist people in all walks of life, including those who do not have access to a legal education because of time or other reasons but, who would like to understand some of the principles of American jurisprudence so that they can better conduct their everyday lives.



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Teaching a Course Versus Delivering Courses

Dear Law Student:

Students at Concord will be able to access instructional material for which I have been an advisor. The material has been put together for the Internet, but embodies my approaches to the teaching of legal principles in my classes over the years. I know you will find the material to have excellent coverage and to be easy to digest. The opportunity to make this material available for students who otherwise may not have had an opportunity to attend law school has and will continue to be a source of great pleasure for me. ...

Sincerely,

Professor Arthur R. Miller

The Issue of Organizational Competency

The organizations that will truly excel in the future will be the organizations that discover how to tap people's commitment and capacity to learn at all levels in an organization.

– Peter M. Senge, *The Fifth Discipline* (1990)

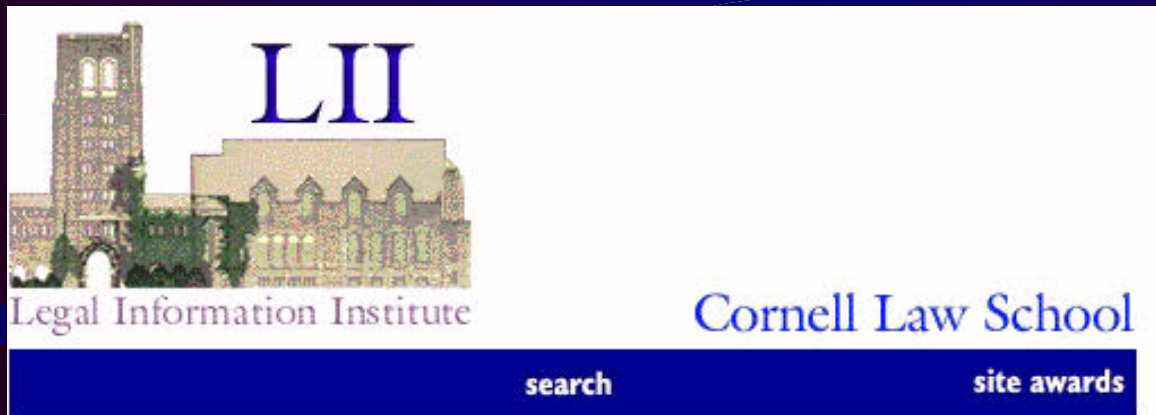
[M]eeting or exceeding customer expectations ... shaped by fierce (often global) competition will require redesigned business processes, supported by the intelligent use of technology, within a restructured organization that is prepared to accept if not embrace change.

– Frederick Nader & Alan Merten, September, 1998

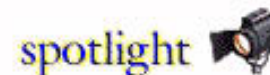
Some of the Impediments

- Atomistic structure
- Status barriers
- Tension between research and education
- Few good models of investing in course construction and recovering on that investment within the institution

One Strategy - Attached Entities



Law about...
Constitutions & codes
Court opinions
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American Legal Ethics Library
Cornell Law School
Directories
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THE BERKMAN CENTER FOR INTERNET & SOCIETY AT HARVARD LAW SCHOOL

edu

November 19, 1999

The Berkman Center for Internet & Society is a research program founded to explore cyberspace, share in its study, and help pioneer its development. The Center is a network of teaching and research faculty from Harvard Law School and elsewhere -- as well as students, fellows, entrepreneurs, lawyers, and virtual architects working to identify and engage the challenges and opportunities of cyberspace.

Institutes or Centers

- That both study and do
- That establish and defend a zone of interdisciplinary collaboration
- That have the charter, the resources, and the mindset to create the components of distance education

Some Ultimate Questions

- When major portions of professional legal education are being delivered by digital technology to students who need not be present in a classroom will the institutions represented here be significant players?
- Will any of our institutions use digital technology to expand their reach beyond degree programs for U.S. JD seekers?